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PAUL S MADAN
MADAN, MOSSMAN & SRIRAM, PC
2603 AUGUSTA, SUITE 700
HOUSTON, TX 77057-1130

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OFFICE OF PETITIONS

In re Application of :
Meister et al. :
Application No. 10/772,123 :
Filed: February 2, 2004 : ON PETITION
Attorney Docket Number:
414-26216USD :
:

This is in response to the Petition filed July 12, 2004, in response to the Notice to File Corrected Application Papers.

Application papers in the above-identified application were filed on February 4, 2004. On May 6, 2004, the Office of Initial Patent Examination mailed a Notice to File Corrected Application Papers, requiring replacement drawings because each Figure was not labeled consecutively, and noting that Page 1 of the specification appeared to have been omitted from the application.

In response, Applicant files the instant petition and replacement drawings, and avers that page 1 of the specification was included as the cover page, along with 16 pages of specification, 6 pages of claims, and an abstract of 1 page, for a total of 24 pages, and filed in the Office among the original application papers on February 4, 2004. Applicant has also filed replacement cover page.

A review of the cover page filed with the instant petition on July 12, 2004, reveals that the cover page is not numbered. As required in 37 CFR 1.52(b)(5), "[o]ther than in a reissue application or reexamination proceeding, the pages of the specification including claims and abstract must be numbered consecutively, starting with 1, the numbers being centrally located above or preferably below, the text."

Regarding page 1 of the specification, it is obvious from the petition that page 1 of the specification was not actually missing on February 4, 2004. Rather, the page was simply not numbered as a result of Applicant's filing error. However, the Notice mailed May 6, 2004, was correct in stating that page 1 of the specification appeared to have been omitted from the application. Therefore, the requirement to submit the omitted page set forth in the Notice will not be withdrawn.

The petition fee will not be refunded, since the petition was not necessitated by any error on the part of the USPTO.

Accordingly, the petition is dismissed.

Applicant also submits a corrected drawing in response to the Notice.

This application is being forwarded to the Office of Initial Patent Examination, Customer Corrections, for further processing, with the filing date of February 4, 2004, using the cover page and corrected drawing filed with the instant petition on July 12, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0014.


Derek L. Woods
Petitions Attorney
Office of Petitions